
BUDGET ESTIMATES 2015-2016

Supplementary Questions

General Purpose Standing Committee No. 4

Questions from Shaoquett Moselmane

NSW Courts

1. How many magistrates were there in NSW Courts as at:

- a) 1.8.15
- b) 1.1.15
- c) 1.1.14
- d) 1.1.13
- e) 1.1.12

The Local Court publishes the Local Court Annual Review on the operations of the court for the period 1 January to 31 December each year.

The Local Court Annual Reviews are published at
<http://www.localcourt.justice.nsw.gov.au/Pages/Publications/annualreviews.aspx>

2. How many Supreme Court judges were there in NSW as at:

- a) 1.8.15
- b) 1.1.15
- c) 1.1.14
- d) 1.1.13
- e) 1.1.12

The Supreme Court publishes the Supreme Court Annual Review on the operations of the court for the period 1 January to 31 December each year.

The Supreme Court Annual Reviews are published at
http://www.supremecourt.justice.nsw.gov.au/Pages/SCO2_publications/SCO2_annualreviews.aspx

3. How many District Court Judges were there in NSW as at:

- a) 1.8.15
- b) 1.1.15
- c) 1.1.14
- d) 1.1.13

e) 1.1.12

The District Court publishes the District Court Annual Review on the operations of the court for the period 1 January to 31 December each year.

The District Court Annual Reviews are published at
http://www.districtcourt.justice.nsw.gov.au/Pages/Publications/annual_reviews.aspx

4. How many Crown Prosecutors were there in NSW as at:

- a) 1.8.15
- b) 1.1.15
- c) 1.1.14
- d) 1.1.13
- e) 1.1.12
- f) How many vacancies are there now?

I am advised by the Department of Justice:

- a) 79.3 FTE
- b) 79.1 FTE
- c) 77.6 FTE
- d) 76.1 FTE
- e) 79.6 FTE
- f) 4 FTE

5. How many Public Defenders were there in NSW as at:

- a) 1.8.15
- b) 1.1.15
- c) 1.1.14
- d) 1.1.13
- e) 1.1.12
- f) How many vacancies are there now?

I am advised by the Department of Justice:

- a) 25
- b) 24
- c) 24
- d) 23
- e) 24 (including a Crown Prosecutor on secondment).
- f) None.

6. How many Sheriff Officers were there in NSW as at:

- a) 1.8.15
- b) 1.1.15
- c) 1.1.14
- d) 1.1.13
- e) 1.1.12
- f) How many vacancies are there now?

I am advised by the Department of Justice that the number of Sherriff's Officers:

- a) 234
- b) 233
- c) 230
- d) 233
- e) Records for this period are unavailable.
- f) There is no set quota.

7. How many separate Local Court Registries were there in NSW as at:

- a) 1.8.15
- b) 1.1.15
- c) 1.1.14
- d) 1.1.13
- e) 1.1.12
- f) **How many vacancies are there now?**

I am advised by the Department of Justice:

- a) 154
- b) 154
- c) 154
- d) 154
- e) 154

The above numbers include the Children's Courts at Bidura and Parramatta and the Coroners Court at Glebe but do not include the Drug Courts at Parramatta, Sydney or Toronto as these registries are co-located within the Local Court registry.

- f) All Local Court registries are staffed on a full time, part time or outreach basis.

8. How many Local Court registries have been closed since 1.1.13?

I am advised by the Department of Justice that there have been no registry closures since 1.1.13.

9. Why won't you proclaim the Court Security Act?

I am advised by the Department of Justice that the *Court Security Act 2005* commenced on 9 January 2006.

Legal Aid

10. What is the current staffing level of the Civil Law Division of NSW Legal Aid?

I am advised that information regarding staffing levels at NSW Legal Aid can be found in Budget Paper 3.

11. How many people were employed as at:

- a) 1.8.15
- b) 1.1.15
- c) 1.1.14
- d) 1.1.13
- e) 1.1.12

I am advised that information regarding staffing levels at NSW Legal Aid can be found in Budget Paper 3.

12. What steps has NSW Legal Aid taken to deal with the decision in the case of Muldrock?

I am advised by the Department of Justice that Legal Aid NSW established a team in 2012 to review the sentences of prisoners in response to the High Court decision in *Muldrock v The Queen* [2011] HCA 39.

13. What extra expenditure or resources have been incurred or allocated as a result of the case of Muldrock?

I am advised by the Department of Justice that no additional expenditure or resources have been allocated in 2014-2015 financial year as a result of *Muldrock v The Queen* [2011] HCA 39.

Victims

14. What is the estimated cost of reversing the retrospective changes to Victims Compensation Laws?

I am advised that information regarding the cost of administering delivery of the Victims Compensation reassessment scheme can be found in Budget Paper 3.

15. In relation to Victims Compensation:

- a) What is the expenditure on "financial assistance for economic loss" under the scheme for each of the last two financial years?
 - i. How many claims have been made for this type of support?
 - ii. What percentage are they of total claims?
 - iii. How many claims have been successful in receiving this type of support?
- b) In each of the last two financial years, how many "financial assistance for economic loss" needs claims have been made for domestic violence and sexual assault as a number and percentage of all financial assistance for economic loss claims?
 - i. How many of these have been successful?

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

The Victims Services data profiles will be available at
<http://www.victimsservices.justice.nsw.gov.au/>

16. What have been the reasons for claims for "financial assistance for economic loss":

- a) in general;
- b) relating to domestic violence; and
- c) for sexual assault?

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

The Victims Services data profiles will be available at
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17. What types of "financial assistance for economic loss" have been awarded so far?

- a) How much has been awarded for each type of assistance?

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

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18. Have there been any claims for loss of actual earnings awarded in the last two financial years?

- a) If so, what were the amounts for payments based on victim's earnings and the amounts of payments based on the earnings of someone the victim was dependent on:
 - i. in general;
 - ii. relating to domestic violence; and
 - iii. for sexual assault?

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19. How many applications have been made for each of the different categories of recognition payments for each of the last two financial years?

- a) What percentage is this of total claims, including counselling, financial assistance or immediate needs?

I am advised by the Department of Justice that the breakdown by category of recognition payment claims lodged is not available because victims are not required to nominate a category of recognition payment at the time an application is lodged.

20. How many recognition payments have been successful for each of the different categories of recognition payments?

a) What percentage are these of total claims?

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

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21. Of all claims in each of the last two financial years, how many and what percentage of each recognition payment category relates to:

- a) domestic violence; and**
- b) sexual assault?**

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

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22. Where applications for recognition payments have not been successful, what was the reason given for not providing a recognition payment?

I am advised by the Department of Justice reasons are given on a case by case basis.

23. What is the average waiting time from the time a recognition payment application is received until the time it is paid?

- a) What has been the shortest waiting time period?**
- b) What has been the longest waiting time period?**
- c) What is the average waiting period?**
- d) What reasons have been provided for the reason behind the waiting times?**

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

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24. What is the expenditure on “immediate needs” under the scheme for each of the last two financial years?

- a) How many claims have been made for this type of support?**
- b) What percentage of total claims is this?**

c) How many claims have been successful in receiving this type of support?

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

The Victims Services data profiles will be available at
<http://www.victimsservices.justice.nsw.gov.au/>

25. Of the successful claims, what number and percentage of all immediate needs claims have been related to:

- a) domestic violence; and**
- b) sexual assault?**

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

The Victims Services data profiles will be available at
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26. Of the unsuccessful claims, what number and percentage of all immediate needs claims have been related to:

- a) domestic violence; and**
- b) sexual assault?**

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

The Victims Services data profiles will be available at
<http://www.victimsservices.justice.nsw.gov.au/>

27. What have been the reasons for refusing immediate needs claims:

- a) in general;**
- b) relating to domestic violence; and**
- c) relating to sexual assault?**

I am advised by the Department of Justice that reasons are given on a case by case basis.

28. What types of "immediate needs" have been awarded in each of the last two financial years?

- a) How much has been awarded and for what purpose?**

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

The Victims Services data profiles will be available at
<http://www.victimsservices.justice.nsw.gov.au/>

29. What is the average waiting time from the time an immediate needs application is received until the time it is paid?

- a) What has been the shortest waiting time period?
- b) What has been the longest waiting time period?
- c) What is the average waiting period?
- d) What reasons have been provided for the reason behind the waiting times?

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

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30. How many special grants have been made in each of the last two financial years?

- a) What is this as a percentage of all claims for these periods?

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The Victims Services data profiles will be available at
<http://www.victimsservices.justice.nsw.gov.au/>

31. What percentage of those who have not received a special grant were:

- a) victims of domestic violence;
- b) victims of sexual assault; and
- c) victims classified in another category?

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

The Victims Services data profiles will be available at
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32. How many claims in each of the last two financial years have been rejected in the new victims support scheme because of the time limit on how long after the violence claims must be lodged?

- a) What percentage is this of total claims for these periods?

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

The Victims Services data profiles will be available at
<http://www.victimsservices.justice.nsw.gov.au/>

33. How many of these are claims relating to domestic violence and/or sexual assault?

a) What percentage is this of total claims?

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

The Victims Services data profiles will be available at
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34. Are Victims Services keeping records on the number of calls they receive where the advice is that the victim does not currently qualify under the new scheme for any financial assistance because:

- a) they have not reported the violence to the police or other government agency?**
- b) the claim has not been made within the required timeframe?**

If yes, what are the figures for these in each of the last two financial years?

I am advised by the Department of Justice that in such circumstance clients are referred to the Support Coordination Team to work with them on those issues.

35. What number and percentage of claims have been unsuccessful:

- a) in general;**
- b) for “immediate needs”;**
- c) for “financial assistance for economic loss”; and**
- d) for “recognition payments?”**

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

The Victims Services data profiles will be available at
<http://www.victimsservices.justice.nsw.gov.au/>

36. Of those applications that were unsuccessful, what number and percentage:

- a) sought an internal review;**
- b) were legally represented; and**
- c) had a successful outcome upon review?**

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

The Victims Services data profiles will be available at
<http://www.victimsservices.justice.nsw.gov.au/>

37. Of those applications that were unsuccessful at first instance and succeeded at review, what number and percentage were legally represented?

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

The Victims Services data profiles will be available at
<http://www.victimsservices.justice.nsw.gov.au/>

38. What number and percentage of claims were filed at the NSW Administrative and Civil Tribunal but resolved in the client's favour before the Tribunal made a decision.

I am advised by the Department of Justice that this information is not captured.

39. It seems that far fewer domestic violence and sexual assault victims who apply for counselling are also accessing payments under the Scheme. Only 11% apply for recognition payments, only 3% apply for financial assistance for economic loss, and only 3% of sexual assault victims and 9% of domestic violence victims apply for immediate needs payments.

- a) Can you comment on the extraordinary difference between applications for payments in comparison to applications for counselling for victims of domestic violence and sexual assault?
- b) How does this compare to the victims of other types of violence, and the rates of access to counselling and payments?
- c) How does it compare to applications for counselling and compensation under the old scheme?

The source of this quoted data has not been provided and verified and as such I cannot comment.

40. I am aware that some community legal centres' clients have told Centres it's not worth making an application for \$1,500 and they don't have necessary evidence for a higher category payment.

- a) Could evidentiary requirements or low recognition payments be preventing victims making applications for payments?
- b) Are there victims that are applying for counselling that are out-of-time for applications for payments? If so, how many victims does this effect, in numbers and as a percentage of overall counselling applicants?
- c) What other reasons account for such disparity in victims of domestic violence and sexual assault accessing all elements of a scheme, which then Attorney-General Hazzard described in his second reading speech as an "infinitely better response to victims than that provided by the Victims Compensation Scheme".

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

The Victims Services data profiles will be available at
<http://www.victimsservices.justice.nsw.gov.au/>

41. How many claims in each of the last two financial years have been unsuccessful because they did not meet the evidence requirements?

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

The Victims Services data profiles will be available at
<http://www.victimsservices.justice.nsw.gov.au/>

42. How many clients have been informed by Victims Services in advance of making an application that they do not meet the evidence requirements?

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

The Victims Services data profiles will be available at
<http://www.victimsservices.justice.nsw.gov.au/>

43. We are aware of an instance where community legal centre staff members have been told that Victims Services are only providing support coordinators where there is a safety issue. Could you tell us more about how that is working? How many people are given a support coordinator and in what circumstances?

I am advised by the Department of Justice that the assertions made in the question are incorrect. Support Coordinators are trained and qualified staff within Victims Services who are able to identify and support the needs of victims of crime. Support Coordinators are allocated according to client need or request for additional support.

I am further advised that a needs assessment is conducted for each client in contact with a support coordinator who ensures that all clients are supported locally in their area by appropriate services.

44. The New South Wales Government's response of 17 February 2015 to the urgent complaint made to the United Nations Special Rapporteur on Violence Against Women and Girls about the Victims Support Scheme and the Victims Rights and Support Act 2013 refers to the role of the support coordinators to ensure victims are not retraumatised in repeating their stories to numerous agencies and to conduct a 'comprehensive assessment of each situation' (paras 1.15-1.16).

- a) Are applicants asked to gather their own evidence to support their victims support application?
- b) How often has this occurred?
- c) What is involved in a "comprehensive assessment"?
- d) On how many occasions have support co-ordinators:
- e) completed a victims support application on behalf of a victim of violence?
- f) advised a victim they have multiple victims support claims?
- g) assisted the victim in drafting submissions, particularly where s44 factors are relevant?

I am advised by the Department of Justice that Victims Services obtains evidence to support a victim's application. Victims Services obtains the police and government agency reports and any court papers and, where the victim consents, medical evidence is gathered for the victim.

45. What are Victim's Services guidelines when they can't get in contact with a client? What's the timeframe for following up with such applicants and how many times does Victims Services attempt to contact them?

I am advised by the Department of Justice that three attempts are made to contact a client and/or their representative within 5 working days. If contact is unsuccessful, an email, letter or fax is sent to the client or representative indicating that Victims Services is attempting to make contact to discuss their concerns and/or progress their claim.

46. Is Victims Services recording whether claims to the new victims support scheme are being made with the assistance of advocates?

- a) If so, what is the percentage of claimants:
- i. assisted by some kind of advocate;
 - ii. assisted by lawyers;
 - iii. assisted by independent support workers; and
 - iv. are unrepresented?

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

The Victims Services data profiles will be available at
<http://www.victimsservices.justice.nsw.gov.au/>

47. How many police officers/staff from NSW Police are working at Victims Services to assist with GPA requests for police records relating to acts of violence?

- a) If none have yet been appointed is there an intention to make such appointments?

This question should be directed to the Minister for Police.

48. How many new counsellors have been appointed to ensure counselling is more accessible and in what areas?

I am advised by the Department of Justice that there have been more than 500 counsellors appointed at locations across NSW.

49. How many victims have requested that restitution not be pursued with the offender?

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

The Victims Services data profiles will be available at
<http://www.victimsservices.justice.nsw.gov.au/>

50. On how many occasions has the Commissioner of Victims Rights exercised her discretion not to pursue restitution?

- a) At what point in the proceedings did this occur?
b) At what point was it communicated to the applicant?

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

The Victims Services data profiles will be available at
<http://www.victimsservices.justice.nsw.gov.au/>

51. Is the Asbestos Injuries Compensation Fund adequately funded to meet claims?

- a) Have you received any advice concerning the adequacy of the Fund?

This question should be directed to the Treasurer.

52. What further plans are there to expand the private provision of court reporting services in the Supreme Court?

I am advised by the Department of Justice that the final evaluation report of the Supreme Court User-pays trial is currently being considered and that no decisions have been made.

53. When do you propose to appoint a Law Reform Commission Chair to replace Justice Wood who retired in December 2013?

A Chairperson for the Law Reform Commission is currently being recruited.

54. When do you propose to appoint a Full-time Law Reform Commissioner?

A Chairperson for the Law Reform Commission is currently being recruited.

55. When will the Government make a further referral to the NSW Law Reform Commission (the last being in 2013)?

Further references are under consideration.

56. Attorney General Smith used frequently argue that the process of sentencing in criminal matters had become too complex. What legislation do you propose to remedy this?

I am advised by the Department of Justice that the NSW Law Reform Commission completed a review of sentencing laws in late 2013. The Government is considering the LRC recommendations. This Government has introduced a range of other reforms in relation to sentencing including implementing the Sentencing Council's recommendations on the Standard Non Parole Period Schemes with relations to Child Sexual Offences and Firearms Offences.

57. Funding for Community Legal Centres is reaching crisis point. What initiatives to you propose to deal with the crisis?

Community Legal Centres play an important role in providing legal advice to the most vulnerable members of our community.

I wrote to the Commonwealth Attorney General in a joint letter with several other State and Territory Attorneys General advocating against the Commonwealth's proposed reduction in funding to Community Legal Centres across forward

estimates.

58. The Crimes Amendment (Consorting and Organised Crime) Bill was presented by the Government as a means to combating organised crime. Instead, the Ombudsman has revealed that a vast number of usages of the legislation were not against organised crime figures. What legislative initiatives do you propose to rectify this unintended consequence? What steps have you taken since the Ombudsman's Report?

I am advised by the Department of Justice that in November 2013 the Ombudsman released a paper outlining the main issues emerging from the use of the new consorting provisions in their first 12 months of operation. The Ombudsman has sought comments about the issues discussed in the paper and on any other aspect of the provisions and their operation. The Ombudsman has not yet provided the final report.

59. When will the review of the Listening Devices Act (due in 2012) be completed?

I am advised by the Department of Justice that the Statutory Review of the *Surveillance Devices Act 2007* is being finalised.

60. Isn't it entirely inconsistent with the rule of law for the Attorney General to be under the control of the Police Minister?

The Attorney General is the principal adviser to the Government and Cabinet on legal, constitutional and legal policy issues. The Attorney General is also responsible for the appointment of judges, magistrates and statutory officers in New South Wales. The full list of Acts allocated to Attorney General is available at <http://www.justice.nsw.gov.au/about-us/ministers#The AttorneyGeneral>

61. Do you support allowing barristers to incorporate their practices?

- a) Have you been approached about it?
- b) By whom?

As the Attorney General, I will consider any proposal put forward by stakeholders in relation to the operation of the Legal Profession Uniform Law Scheme.

62. Recommendation 8 of the NSW Government's Legal Services Blueprint (dated August 2011) requires Government agencies to report annual legal services expenditure to your Department from the end of 2011-12 financial year.

- a) What has been the total Government expenditure on Legal Services each financial year from 2011-12?
- b) Has this been an increase or decrease since 2011-12?
- c) Has expenditure decreased or increased since the introduction of the Blueprint?
- d) Please (on notice) provide details of the expenditure of each agency for each financial year from 2011-12 to date.

I am advised by the Department of Justice that Government's legal expenses are published annually in some Government agency's Annual Reports.

63. Does the Government require private legal practitioners who perform work for them to also perform pro bono work?

I am advised by the Department of Justice that this is not the case.

64. Have any Government Agencies, in defiance of the Blueprint:

- a) Failed to use cluster panels for legal services?**
- b) Failed to identify a Legal Services Manager?**

The Government endorsed The Legal Services Blueprint to achieve more transparency in the procurement and provision of legal services by setting out a range of processes and reporting requirements by Government agencies.

The Legal Services Blueprint is available online at
http://www.justice.nsw.gov.au/legal-services-coordination/Documents/legal_services_blueprint.pdf.

65. Have Counsel's fees payable by the Government increased since the introduction of the Blueprint?

I am advised by the Department of Justice that Government's legal expenses are published annually in some Government agency's Annual Reports.

66. What was the total Government expenditure on legal services in 2014/5 (bearing in mind it was \$247.7m in 06/07 and \$42.2m more in 2008/9)?

I am advised by the Department of Justice that Government's legal expenses are published annually in some Government agency's Annual Reports.

67. Would you ever follow the example of AG Hazzard and observe court proceedings in a court room where the presiding officer was the subject of complaint by your parliamentary colleagues?

This is a hypothetical question.

Courts

68. What are you going to do about the unacceptable delays in District Court Criminal Trials in Wagga?

I am advised by the Department of Justice that a number of initiatives are being introduced to make justice fast, fair and accessible including:

- the recent appointment of two additional judges to the District Court to hear child sexual assault matters;
- the establishment of a Working Group chaired by the Chief Judge of the District Court to address the increase in the District Court's workload;
- the establishment of a designated 'Rolling Courts List' in Sydney, managed by a single judge with permanently assigned staff from the Office of the Director of Public Prosecutions and the Public Defender's Office;

- the use of special call overs in regional areas to identify pending matters that may be suitable for earlier plea or trials;
- a series of coordinated special one-off call-overs and trial sittings are planned for one week in November at Wagga Wagga and one week in December at Newcastle; and
- the District Court sat through the usual mid-year vacation this year at the Sydney District Court, the Sydney West Trial Court and other selected regional courts. The Court will continue to do so in future years.

69. The Chief Judge of the District Court said he was considering a full time District Court judge in Wagga. Will that happen? Will you provide appropriate funding resources for that to occur?

Court sitting arrangements are a matter for the Chief Judge.

70. What are you going to do about the unacceptable delays in District Court criminal trials in Dubbo which now have the largest wait between committal and result of any district court in the State?

See response to question 68.

71. What are you going to do about the unacceptable delays in District Court criminal trials in Lismore District Court?

See response to question 68.

72. Granted that the Law Reform Commission says that the District Court criminal trial system is broken and approaching a state of crisis will you now reinstate the criminal case conferencing scheme your Government scrapped in 2011 over the objection of prosecutors, defenders and the Attorney, merely to save \$1.5m?

I am advised by the Department of Justice that the recommendations of the Law Reform Commission Report No. 141 Encouraging Appropriate Early Guilty Pleas are currently under consideration.

73. What will you do with the recommendations of the Law Reform Commission Report on encouraging early guilty pleas, which your Government has had for 9 months (since December 2014)?

I am advised by the Department of Justice that the recommendations of the Law Reform Commission Report No. 141 Encouraging Appropriate Early Guilty Pleas are currently under consideration.

74. Will you reinstate the District Court judges positions that have been lost and provide the extra resources necessary to deal with extra defended criminal cases coming into the District Court?

See response to question 68.

75. When the 2nd Sydney Drug Court opened after the 2011 State election, the Government claimed that it would deal with drug dependent offenders in Sydney's CBD, inner west, and eastern suburbs, with referral from a range of courts, including Waverley. Why then has the Government restricted this 2nd Sydney Drug Court by prescribing that only people living within the City of Sydney Local Government area can appear before it?

I am advised by the Department of Justice that referrals to the Sydney Drug Court are from Local Courts at Downing Centre, Central, Newtown and Waverley and Sydney District Courts.

A list of courts prescribed as referral courts to all Drug Courts is available at http://www.drugcourt.justice.nsw.gov.au/Pages/dc_program/dc_eligible.aspx

76. Why have the Government restricted the 2nd Sydney Drug Court to dealing with only 40 defendants?

I am advised by the Department of Justice that partner agencies in the Drug Court program are the Office of the Director of Public Prosecutions (ODPP), the Legal Aid Commission (LAC), the NSW Police Force (NSWPF), Drug the Department of Corrective Services (DCS) and NSW Health. Any expansion of the Drug Court would be subject to availability of resources.

77. Does Vacluse not have drug-users? Doesn't the Eastern suburbs have drug users? Why won't the Sydney Drug Court extend to them?

See response to question 75.

78. How many local courts have ceased to have sittings in the last 12 months?

Local court sitting arrangements are a matter for the Chief Magistrate.

A comprehensive list of all Local Court sittings is publicly available on the Department of Justice website.

79. How many local courts will cease to have sittings or be closed in the next 12 months?

Local court sitting arrangements are a matter for the Chief Magistrate.

80. What will the affect be of the loss of 8 magistrates by 1 July 2016 compared to the 2012 figures?

The Report on Government Services 2015 shows New South Wales is the best performing jurisdiction for Local Court criminal backlogs, for the seventh consecutive year and the best performing for Local Court civil backlogs since 2011.

81. What local courts will have reduced sittings in the next 12 months?

Local court sitting arrangements are a matter for the Chief Magistrate.

82. How many local courts will close in the next 12 months?

Local court sitting arrangements are a matter for the Chief Magistrate.

83. How many court houses in NSW have court rooms not been used for hearings?

Court sittings arrangements are determined by the respective Heads of Jurisdiction.

84. Why were the sittings of the Local Court at Coffs Harbour reduced at the same time as a new Court house was built?

Local court sitting arrangements are a matter for the Chief Magistrate.

85. Will Lithgow Court close or have its hours of operation altered in the next 12 months?

Local court sitting arrangements are a matter for the Chief Magistrate.

86. Will Rockdale Court be reopened in the next 12 months?

I am advised by the Department of Justice that there is no court at Rockdale.

87. What do you propose for the future of Camden Court and Camden Court House?

Local court sitting arrangements are a matter for the Chief Magistrate.

A comprehensive list of all Local Court sittings is publicly available on the Department of Justice website.

http://www.localcourt.justice.nsw.gov.au/Pages/contact_us/court_locations/court_locations.aspx

88. If in a criminal matter, someone is convicted and ordered to pay compensation for theft or property damage to the victim by the Court, why is it up to the victim to chase the money?

I am advised by the Department of Justice that the Court can make an order under Part 6 of the *Victim Rights and Support Act 2013* for compensation to be paid to a victim of the crime.

I am further advised that compensation orders are civil, not criminal. The amount is therefore owed to the victim, not the Court. While the orders specify that the compensation is to be paid to the Registrar of the Court, only the victim can seek to enforce the order. The Courts however assist victims to enforce compensation orders.

89. Put another way, why does the criminal justice system force victims to pursue civil redress to enforce orders in criminal cases?

- a) Any why are fees so high? To enforce what the court ordered, the victim has to register the debt at \$86 per offender, then pay a further \$78 per address for a writ of execution (which only works if the victim, not the Sherriff knows the address of the offender's goods).

See response to question 88.

90. The Minister for Police recently announced that a protocol had been agreed to allow police to wear guns in court complexes and while giving evidence in court.

Who were the signatories to the protocol?

- a) What were the terms of the protocol?
- b) Did the Courts all agree to this?
- c) In particular, did the Chief Magistrate agree?
- d) Has there been even one incident in the last two years of a judicial officer attacked in a court room in any way that would have justified intervention by an armed police officer?
- e) Has there been any incident directed at anyone in that time frame in a court room that would justify an armed intervention?
- f) The protocol was announced at least a week after the media expected its announcement. What was the reason for the delay?
- g) Do you oppose the change in policy?
- h) Did the heads of jurisdictions oppose the change in policy?

I am advised by the Department of Justice that the protocol is an operational matter that has been brokered by NSW Police, Heads of Jurisdiction and the Sheriff's Office.

Dyson Heydon

91. Why did you agree to give a vote of thanks to Dyson Heydon for giving a speech at the 2016 Garfield Barwick address that even he knows he shouldn't have given?

I did not attend the event.

92. Who asked you to give the vote of thanks?

See response to question 91.

93. When were you asked?

See response to question 91.

94. When did you reply?

See response to question 91.

DV

95. Why do you refuse to meet with the Women's Domestic Violence Court Advocacy Service?

I have met with a number of Women's Domestic Violence Court Advocacy Services (WDCAS), including the Northern Rivers WDV CAS, Sutherland WDV CAS and Sydney WDV CAS.

96. Will you agree to meet with the Women's Domestic Violence Court Advocacy Service?

See response to question 95.

97. When was the funding to the Women's Domestic Violence Court Advocacy Service last increased?

Please refer to the Legal Aid NSW Annual Reports available at

<http://www.legalaid.nsw.gov.au/publications/annual-report>

98. Do you think is it acceptable that funding for the Women's Domestic Violence Court Advocacy Service hasn't increased in 6 years?

See response to question 97.

99. What additional funding will be allocated to the Women's Domestic Violence Court Advocacy Service for their role in the NSW Domestic Violence Justice Strategy?

I am advised by the Department of Justice that Women's Domestic Violence Court Advocacy Services (WDVCAS) will receive funding to host Local Coordination Points as they are established in the staged rollout of Safer Pathway.

100. Should the Women's Domestic Violence Court Advocacy Service be expected to pick up additional work under the NSW Domestic Violence Justice Strategy without an increase in funding?

See response to question 99.

101. In relation to the DV Disclosure Scheme,

- a) To what extent has the potential of such a scheme to support protections for workers including women lawyers working on cases of domestic violence been considered?
- b) Has the importance and price on health and wellbeing of workers including women lawyers been properly considered?

I am advised by the Department of Justice that a broad public consultation with government, non-government and other stakeholders has been held to develop a pilot DVDS.

102. Where in the budget have the additional resources required for the implementation of the Domestic Violence Strategy been allocated?

I am advised by the Department of Justice that the Domestic Violence Strategy is being implemented within existing partner agency resources.

103. What additional resources will be allocated to Women's Domestic Violence Court Advocacy Services to enable them to meet the Domestic Violence Strategy standards from 1 July 2015?

See responses to questions 99.

104. Will the Blue Mountains Domestic Violence Advocacy Service receive the additional \$30,000 needed to provide sufficient staffing to meet the Domestic Violence Justice Strategy standards and contact every victim referred to them by Police within one business day of receiving the referral?

See the response to question 99.

Ministerial Office Administration

105. How many staff are in your ministerial office?

- a) What was the average salary for staff members in your office during 2014-15?
- b) What is the average salary for a ministerial staffer in your office based on current appointments?

I am advised that Ministers' staff numbers and salary bands are available on the Department of Premier and Cabinet's website.

106. How many blackberries/smart phones are assigned to your staff?

- a) For each phone, how much was each bill in the past financial year?
- b) How many phones have been lost or replaced due to damage in your office?
- c) What is the cost of replacing those phones?

I am advised the total usage cost of smart phones and other mobile devices across all Ministers' offices in 2014/15 was \$354,992, a 37 per cent reduction on 2008/09 expenditure of \$578,691. There were 10 lost devices (phones and iPads) across the Ministry in 2014/15. The cost of replacing any lost or stolen devices is claimed through the NSW Treasury Managed Fund.

107. How many iPads or tablets does DPC assign to your Ministerial office and to whom have they been issued?

- a) What is the cost of providing iPads or tablets to your Ministerial Office?
- b) How many iPads or tablets have been replaced due to lost or damage?
 - i. What was the cost of replacing these devices?

I am advised that there were 130 iPads in use across all Ministers' offices in 2014/15. See the response to question 106.

108. Did any your or your ministerial staff incur data charges on a mobile phone or tablet device greater than \$1000 for a single billing period?

- a) If so, how many times did this occur?
 - i. What was the individual cost of each data charge over \$1000 for a single billing period?

See the response to question 106.

109. Has any artwork been purchased or leased for display in your office?

a) What is the cost of this?

No.

110. Have any floral displays or indoor plants been hired or leased for display in your ministerial office?

a) If so, what was the cost of these items?

No.

111. What is the total cost of all subscriptions by you and your staff to online news services, newspapers, magazines, journals and periodicals?

a) What are these services/newspapers/magazines/journals/periodicals?

i. Who is the subscriber for each of these?

The Attorney General's office subscribes to a number of publications, the cost of which is managed within the office's budget.

112. What was the total value of all gifts purchased for use by you and your office?

a) What were the gifts purchased?

i. Who were they gifted to?

None.

113. Do you purchase bottled water or provide water coolers for your office?

a) What is the cost of this?

No.

114. Can you advise the names of all contractors/consultants employed and/or paid for by your office, under any agreement, contract or fee-for -service arrangement in 2014-15?

a) Do they have ABN's?

i. If so, please provide details?

b) Details of paid or unpaid invoices and amounts?

c) Details of services and fees provided by each contractor and or consultant?

Information regarding the use of contractors was recently disclosed in response to a GIPA application and was published on the Department of Premier and Cabinet's disclosure log.

115. Details of the agreement between your office and any contractors/consultants engaged by your office?

See response to question 114.

Ministerial and Office Travel

116. Have any of your overseas trips in the past year been paid for in part or in full by using public money?

a) If so, did any of your relatives or friends accompany you on these trips?

Details of overseas travel including costs are published on the Department of Premier and Cabinet's website.

117. Have you undertaken any official overseas travel that was privately funded?

a) What were the nature of these trips?

b) Who paid for these trips?

No.

118. What was the total bill for your office in 2014-15 for:

a) Taxi hire

b) Limousine hire

c) Private hire care

d) Hire car rental

Expenditure on taxis across the Ministry in 2014/15 was \$84,257. This compares with 2009/10 expenditure of \$175,776.

119. Have you ever used Uber?

a) If yes, were any of these occasions in an UberX vehicle?

No.

120. Have you or anyone in your office used Uber services travelling to or from work-related events, meetings or functions?

a) Were any of those services in an UberX vehicle?

No.

121. Have you or anyone in your office sought reimbursement for using Uber services to travel to or from work-related events, meetings or functions?

a) What is the value of those reimbursements?

No.

122. Have you used Airbnb?

No.

123. Have you or anyone in your office used Airbnb as an accommodation solution whilst travelling on official business?

No.

124. Have any planes or helicopters been chartered by you or your office and paid for with public money?

- a) If yes, will you please detail each trip, the method of transport and the cost?

No.

125. What non-standard features are fitted to your ministerial vehicle?

- a) What is the cost of each non-standard feature?

None.

Labour Hire Firms

126. Do any Departments/agencies within your portfolio responsibilities utilise the services of Labour Hire Firms? If yes, please advise in table form:

- a) The names of the firms utilised
- b) The total amount paid to each firm engaged
- c) The average tenure period for an employee provided by a labour hire company
- d) The longest tenure for an employee provided by a labour hire company
- e) The duties conducted by employees engaged through a labour hire company
- f) The office locations of employees engaged through a labour hire company
- g) The highest hourly or daily rate paid to an employee provided by a labour hire company

Please refer to the response of the Deputy Premier for response across the Justice Cluster.

Media and Public Relations

127. How many media or public relations advisers are employed for each of your portfolio agencies?

Please refer to the response of the Deputy Premier for response across the Justice Cluster.

128. What is the forecast for the current financial year for the number of media or public relations advisers to be employed and their total cost?

Please refer to the response of the Deputy Premier for response across the Justice Cluster.

129. What is the total cost of media monitoring services used by Departments/agencies within your portfolio responsibilities?

The NSW Government purchases all commercial media monitoring centrally through the Department of Premier and Cabinet. I am advised that the total cost of the whole of government service in 2014/15 was \$1,775,042 compared to \$2,394,973 in 2009/10.

130. Have you had media training or speech training?

- a) If yes, who paid for it?
- b) If paid by taxpayers, what was the amount?

No.

Consultants, Lobbyists and Former Parliamentarians

131. Have you, your office or your Departmental Officers had any meetings with former MP Chris Hartcher in the time since he has left the Parliament?

- a) Who attended those meetings?
- b) What was the nature of those meetings?
- c) What was discussed?
- d) Were any records of those meetings kept?

Information regarding scheduled meetings held with stakeholders, external organisations and individuals are published in accordance with Memorandum 2015-07 Publication of Ministerial Diaries.

132. Have you, your office or your Departmental Officers had any meetings with former MP Andrew Stoner in the time since he has left the Parliament?

- a) Who attended those meetings?
- b) What was the nature of those meetings?
- c) What was discussed?
- d) Were any records of those meetings kept?

Information regarding scheduled meetings held with stakeholders, external organisations and individuals are published in accordance with Memorandum 2015-07 Publication of Ministerial Diaries.

133. Have you, your office or your Departmental Officers had any meetings with former MP Tim Owen in the time since he has left the Parliament?

- a) Who attended those meetings?
- b) What was the nature of those meetings?
- c) What was discussed?
- d) Were any records of those meetings kept?

Information regarding scheduled meetings held with stakeholders, external organisations and individuals are published in accordance with Memorandum 2015-07 Publication of Ministerial Diaries.

134. Have you, your office or your Departmental Officers had any meetings with former MP Craig Baumann in the time since he has left the Parliament?

- a) Who attended those meetings?
- b) What was the nature of those meetings?
- c) What was discussed?
- d) Were any records of those meetings kept?

Information regarding scheduled meetings held with stakeholders, external organisations and individuals are published in accordance with Memorandum 2015-07 Publication of Ministerial Diaries.

135. Have you, your office or your Departmental Officers had any meetings with former MP Andrew Cornwell in the time since he has left the Parliament?

- a) Who attended those meetings?
- b) What was the nature of those meetings?
- c) What was discussed?
- d) Were any records of those meetings kept?

Information regarding scheduled meetings held with stakeholders, external organisations and individuals are published in accordance with Memorandum 2015-07 Publication of Ministerial Diaries.

136. Have you, your office or your Departmental Officers had any meetings with former MP Chris Spence in the time since he has left the Parliament?

- a) Who attended those meetings?
- b) What was the nature of those meetings?
- c) What was discussed?
- d) Were any records of those meetings kept?

Information regarding scheduled meetings held with stakeholders, external organisations and individuals are published in accordance with Memorandum 2015-07 Publication of Ministerial Diaries.

137. Have you, your office or your Departmental Officers had any meetings with former MP Darren Webber in the time since he has left the Parliament?

- a) Who attended those meetings?
- b) What was the nature of those meetings?
- c) What was discussed?
- d) Were any records of those meetings kept?

Information regarding scheduled meetings held with stakeholders, external organisations and individuals are published in accordance with Memorandum 2015-07 Publication of Ministerial Diaries.

138. Have you, your office or your Departmental Officers had any meetings with former MP Garry Edwards in the time since he has left the Parliament?

- a) Who attended those meetings?
- b) What was the nature of those meetings?
- c) What was discussed?
- d) Were any records of those meetings kept?

Information regarding scheduled meetings held with stakeholders, external organisations and individuals are published in accordance with Memorandum 2015-07 Publication of Ministerial Diaries.

139. Have you, your office or your Departmental Officers had any meetings with former MP Bart Bassett in the time since he has left the Parliament?

- a) Who attended those meetings?
- b) What was the nature of those meetings?
- c) What was discussed?
- d) Were any records of those meetings kept?

Information regarding scheduled meetings held with stakeholders, external organisations and individuals are published in accordance with Memorandum 2015-07 Publication of Ministerial Diaries.

140. Has the consultancy company Premier State done any consultancy work for the Department? If so what projects was Premier State consulted on?

- a) What was the cost of the consultancy work for each project?
- b) Was there a tender process for these projects?

Please refer to the response of the Deputy Premier for response across the Justice Cluster.

141. Does Premier State currently have any contract work with the Departments/agencies under your portfolio responsibility?

- a) If yes, what is their role in the project?

Please refer to the response of the Deputy Premier for response across the Justice Cluster.

Consulting

142. How much have the Department/agencies under your portfolio responsibility spent in legal costs?

- a) For what specific purposes or matters was legal advice sought?

Please refer to the response of the Deputy Premier for response across the Justice Cluster.

143. Have Department/agencies under your portfolio engaged any consultants to provide the following services or advice:

- a) Social media
 - i. And the cost of these services
- b) Photography
 - i. And the cost of these services
- c) Acting training
 - i. And the cost of these services

- d) **Ergonomics**
 - i. **And the cost of these services**

Please refer to the response of the Deputy Premier for response across the Justice Cluster.

Department/Agency Administration

144. How many redundancies were processed by Departments/agencies within your portfolio responsibilities during 2014-15?

- a) **Of these redundancies, how many were:**
 - i. **Voluntary**
 - ii. **Forced**
- b) **What was the total cost of all redundancies?**

Please refer to the response of the Deputy Premier for response across the Justice Cluster.

145. Have any staff who received a redundancy in the last two years undertaken any paid work or provided any paid services for the agency with which they were formerly employed?

- a) **What was the nature of these works/services?**
- b) **What was the total cost of these works or services?**

Please refer to the response of the Deputy Premier for response across the Justice Cluster.

146. Are any staff formerly employed by your ministerial office now employed by Departments/agencies under your portfolio responsibility?

Please refer to the response of the Deputy Premier for response across the Justice Cluster.

147. How many staff were dismissed from Departments/agencies under your portfolio responsibilities in 2014-15?

- a) **What were the reason/s for each dismissal?**

Please refer to the response of the Deputy Premier for response across the Justice Cluster.

148. How much was spent on corporate hospitality by Departments/agencies within your portfolio responsibilities during 2014-2015?

Please refer to the response of the Deputy Premier for response across the Justice Cluster.

149. How much was spent on indoor plant hire and maintenance by Departments/agencies within your portfolio responsibilities during 2014-2015 year?

Please refer to the response of the Deputy Premier for response across the Justice Cluster.

150. How much did Departments/agencies within your portfolio responsibilities spend on restaurant bills during the year 2014/2015?

a) How much of these bills were alcohol?

Please refer to the response of the Deputy Premier for response across the Justice Cluster.

151. Were instances of internal fraud detected by Departments/agencies within your portfolio responsibilities during 2014-2015?

a) What was the sum total of any such fraud and what was the result of any investigations?

Please refer to the response of the Deputy Premier for response across the Justice Cluster.

152. How large is the Department's vehicle fleet?

a) What is the composition of this fleet in terms of engine size?

b) How many of the fleet were involved in an accident during the year 2014-2015?

c) What was the total cost of insurance claims and repairs?

Please refer to the response of the Deputy Premier for response across the Justice Cluster.

153. How much did departments/agencies spend on newspaper and journal subscriptions during 2014-2015?

Please refer to the response of the Deputy Premier for response across the Justice Cluster.

154. How many SES employees are employed within departments/agencies under your ministerial portfolio?

a) What is their remuneration band?

b) For each SES employee, how many have:

- i. 0 staff reporting to them;**
- ii. less than 2 staff reporting to them; and**
- iii. less than 5 staff?**

Please refer to the response of the Deputy Premier for response across the Justice Cluster.

155. How many sick days, leave days or days attributable to workers compensation were lost for each department/agency within your portfolio responsibility during 2014-15 for:

- a) workplace bullying;**
- b) stress leave; and**
- c) sick leave?**

Please refer to the response of the Deputy Premier for response across the Justice Cluster.

156. Do any of the departments/agencies under your portfolio area employ actors for staff training?

- a) If so, what is:**
 - i. the size of the contract for the provision of actors for staff training in your departments?**
 - ii. the term of the contracts for the provision of actors for staff training in your departments?**
 - iii. the tender numbers for each of the contracts?**

Please refer to the response of the Deputy Premier for response across the Justice Cluster.

157. What was the total expenditure in 2014-15 by Departments/agencies within your portfolio on:

- a) Taxi hire**
- b) Limousine/private car hire**
- c) Hire car rental**

Please refer to the response of the Deputy Premier for response across the Justice Cluster.

158. Do the Departments/agencies within your portfolio have a policy on utilising Uber services for travel on official business?

Please refer to the response of the Deputy Premier for response across the Justice Cluster.

159. Have staff in your Department/agencies either paid for with departmental funds or been recompensed for official travel using Uber services?

- a) Were any of these payments for UberX services?**

Please refer to the response of the Deputy Premier for response across the Justice Cluster.

160. Have staff in your Department/agencies either paid for with departmental funds or been recompensed for official travel using Airbnb services?

Please refer to the response of the Deputy Premier for response across the Justice Cluster.

161. Did any officers within departments/agencies under your ministerial portfolio use charter aircraft during the year 2014-2015?

a) If so what was the purpose and cost?

Please refer to the response of the Deputy Premier for response across the Justice Cluster.

Departmental/Agency IT

162. Do the Departments/agencies within your portfolio have an iTunes account?

a) What was the total expenditure in 2014-15 on iTunes?

i. What applications/subscriptions/services were purchased through iTunes?

Please refer to the response of the Deputy Premier for response across the Justice Cluster.

163. Do the Departments/agencies within your portfolio have an Android account?

a) What was the total expenditure in 2014-15 on Android?

i. What applications/subscriptions/services were purchased through Android?

Please refer to the response of the Deputy Premier for response across the Justice Cluster.

164. How many Department/agency mobile phones, tablets and laptops were replaced due to loss or damage during 2014-2015?

a) What was the total cost of replacing these items?

Please refer to the response of the Deputy Premier for response across the Justice Cluster.

165. Did any staff within departments/agencies within your portfolio responsibilities incur data charges on a mobile phone or tablet device greater than \$1000 for a single billing period?

a) If so, how many times did this occur?

i. What was the individual cost of each data charge over \$1000 for a single billing period?

Please refer to the response of the Deputy Premier for response across the Justice Cluster.

Efficiency Dividend

166. What was the efficiency dividend required of the department in the 2014/15 financial year?

Please refer to the response of the Deputy Premier for response across the Justice Cluster.

167. What is the efficiency dividend required of the department in the 2015/16 financial year?

Please refer to the response of the Deputy Premier for response across the Justice Cluster.

168. What savings measures were implemented by the Department for:

- a) 2014/15 financial year
- b) 2013/14 financial year
- c) 2012/13 financial year?

Please refer to the response of the Deputy Premier for response across the Justice Cluster.

169. What actual savings were achieved by each strategy in:

- a) 2014/15 financial year
- b) 2013/14 financial year
- c) 2012/13 financial year?

Please refer to the response of the Deputy Premier for response across the Justice Cluster.

170. What reduction of staff occurred and at what cost as a result of each strategy in:

- a) 2014/15 financial year
- b) 2013/14 financial year
- c) 2012/13 financial year?

Please refer to the response of the Deputy Premier for response across the Justice Cluster.

171. For the 2015/16 financial year:

- a) What savings measures will the Department save?
- b) What is the expected saving to be achieved for each measure?
- c) Will they require a reduction in staffing?
- d) How many positions within the Department remain unfilled due to the imposition of savings measures?

Please refer to the response of the Deputy Premier for response across the Justice Cluster.

Questions from David Shoebridge

GPSC No: 4

Attorney General

Custody Notification Service

172. What is the current NSW funding allocated to the Custody Notification Service?

The Custody Notification Service is funded by the Commonwealth.

173. What is the projected funding for the Custody Notification Service?

This question should be directed to the Commonwealth Attorney General.

174. Given the CNS implements a recommendation from the Royal Commission into Aboriginal Deaths in custody, why have cuts been made to the program?

This question should be directed to the Commonwealth Attorney General.

175. Have any other changes been made to ensure the safety of Aboriginal people in police custody (particularly given that since the CNS was implemented there have been no Aboriginal deaths in police cell custody)?

This question should be directed to the Minister for Justice and Police.

Child Sexual Abuse

176. What process and policies are in place within the department for responding to the findings and recommendations released by the Royal Commission into abuse?

I am advised by the Department of Justice that this is being coordinated by the Department of Premier and Cabinet and an Interagency Coordination Group to ensure consistency in the State's participation in, and response to, the Royal Commission.

177. How many cases is the department aware of where the Ellis Defence was used in each of the last 5 years?

I am advised by the Department of Justice that this information is unavailable.

178. What advice have you sought about possible breaches of s316 of the Crimes Act relating to the practice of "blind reporting" as used by the NSW Police regarding child sexual abuse?

I am advised by the Department of Justice that it has sought advice from the NSW Bureau of Crime Statistics and Research on available statistics on finalised charges under section 316 of the *Crimes Act 1900 (NSW)*.

179. Are you aware of any other bodies who employ this practice?

See the response to question 178.

WIPAN

180. What is the current status of consideration of the funding request from WIPAN?

This is a matter for the Minister for Corrections.

181. What will you as Attorney General do to ensure ongoing funding for WIPAN?

This is a matter for the Minister for Corrections.

Victims Compensation

182. Only 11% of DV and sexual assault victims apply for recognition payments, only 3% apply for financial assistance for economic loss, and only 3% of sexual assault victims and 9% of domestic violence victims apply for immediate needs payments.

- a) What detail is there on why there is such a difference between applications for payments in comparison to applications for counselling for victims of domestic violence and sexual assault?
- b) How does this compare to the victims of other types of violence, and the rates of access to counselling and payments?
- c) How does it compare to applications for counselling and compensation under the old scheme?

The source of this quoted data has not been provided and verified and as such I cannot comment further.

Immediate needs

183. What is the expenditure on "immediate needs" under the scheme for each of the last two financial years?

- a) How many claims have been made for this type of support?
- b) What is the average value of such claims?
- c) What percentage of total claims is this?
- d) How many claims have been successful in receiving this type of support?

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

The Victims Services data profiles will be available at
<http://www.victimsservices.justice.nsw.gov.au/>

184. Of the successful claims, what number and percentage of all immediate needs claims have been related to:

- a) domestic violence; and**
- b) sexual assault?**

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

The Victims Services data profiles will be available at
<http://www.victimsservices.justice.nsw.gov.au/>

185. Of the unsuccessful claims, what number and percentage of all immediate needs claims have been related to:

- a) domestic violence; and**
- b) sexual assault?**

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

The Victims Services data profiles will be available at
<http://www.victimsservices.justice.nsw.gov.au/>

186. What have been the reasons for refusing immediate needs claims:

- a) in general;**
- b) relating to domestic violence; and**
- c) relating to sexual assault?**

I am advised by the Department of Justice that reasons are given on a case by case basis.

187. What types of "Immediate needs" have been awarded in each of the last two financial years?

- a) How much has been awarded and for what purpose?**

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

The Victims Services data profiles will be available at
<http://www.victimsservices.justice.nsw.gov.au/>

188. What is the average waiting time from the time an immediate needs application is received until the time it is paid?

- a) What has been the shortest waiting time period?**
- b) What has been the longest waiting time period?**
- c) What is the average waiting period?**
- d) What reasons have been provided for the reason behind the waiting times?**

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

The Victims Services data profiles will be available at
<http://www.victimsservices.justice.nsw.gov.au/>

Financial Assistance

189. What is the expenditure on "financial assistance for economic loss" under the scheme for each of the last two financial years?

- a) How many claims have been made for this type of support?
 - i. What percentage are they of total claims?
- b) How many claims have been successful in receiving this type of support?

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

The Victims Services data profiles will be available at
<http://www.victimsservices.justice.nsw.gov.au/>

190. In each of the last two financial years, how many "financial assistance for economic loss" needs claims have been made for domestic violence and sexual assault as a number and percentage of all financial assistance for economic loss claims?

- a) How many of these have been successful?

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

The Victims Services data profiles will be available at
<http://www.victimsservices.justice.nsw.gov.au/>

191. What have been the reasons for claims for "financial assistance for economic loss":

- a) in general;
- b) relating to domestic violence; and
- c) for sexual assault?

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

The Victims Services data profiles will be available at
<http://www.victimsservices.justice.nsw.gov.au/>

192. What types of "financial assistance for economic loss" have been awarded so far?

- a) How much has been awarded for each type of assistance?

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

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193. Have there been any claims for loss of actual earnings awarded in the last two financial years?

- a) If so, what were the amounts for payments based on victim's earnings and the amounts of payments based on the earnings of someone the victim was dependent on:
 - i. in general;
 - ii. relating to domestic violence; and
 - iii. for sexual assault?

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

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Recognition Payments

194. How many applications have been made for each of the different categories of recognition payments for each of the last two financial years?

- a) What percentage is this of total claims, including counselling, financial assistance or immediate needs?

I am advised by the Department of Justice that the breakdown by category of recognition payment claims lodged is not available because victims are not required to nominate a category of recognition payment at the time an application is lodged.

195. How many recognition payments have been successful for each of the different categories of recognition payments?

- a) What percentage are these of total claims?

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

The Victims Services data profiles will be available at
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196. Of all claims in each of the last two financial years, how many and what percentage of each recognition payment category relates to:

- a) domestic violence; and
- b) sexual assault?

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

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<http://www.victimsservices.justice.nsw.gov.au/>

197. Where applications for recognition payments have not been successful, what was the reason given for not providing a recognition payment?

I am advised by the Department of Justice reasons are given on a case by case basis.

198. What is the average waiting time from the time a recognition payment application is received until the time it is paid?

- a) What has been the shortest waiting time period?
- b) What has been the longest waiting time period?
- c) What is the average waiting period?
- d) What reasons have been provided for the reason behind the waiting times?

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The Victims Services data profiles will be available at
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Special Payments

199. How many special grants have been made in each of the last two financial years?

- a) What is this as a percentage of all claims for these periods?

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

The Victims Services data profiles will be available at
<http://www.victimsservices.justice.nsw.gov.au/>

200. What percentage of those who have not received a special grant were:

- a) victims of domestic violence;
- b) victims of sexual assault; and
- c) victims classified in another category?

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

The Victims Services data profiles will be available at
<http://www.victimsservices.justice.nsw.gov.au/>

Time Limit

201. How many claims in each of the last two financial years have been rejected in the new victims support scheme because of the time limit on how long after the violence claims must be lodged?

- a) What percentage is this of total claims for these periods?

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

The Victims Services data profiles will be available at
<http://www.victimsservices.justice.nsw.gov.au/>

202. How many of these are claims relating to domestic violence and/or sexual assault?

a) What percentage is this of total claims?

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

The Victims Services data profiles will be available at
<http://www.victimsservices.justice.nsw.gov.au/>

203. Are Victims Services keeping records on the number of calls they receive where the advice is that the victim does not currently qualify under the new scheme for any financial assistance because:

a) they have not reported the violence to the police or other government agency?

b) the claim has not been made within the required timeframe?

If yes, what are the figures for these in each of the last two financial years?

I am advised by the Department of Justice that in such circumstance clients are referred to the Support Coordination Team to work with them about either reporting or to ascertain if they may have reported to an agency that can fall within the categories specified.

Review

204. What number and percentage of claims have been unsuccessful:

a) in general;

b) for “Immediate needs”;

c) for “financial assistance for economic loss”; and

d) for “recognition payments?”

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

The Victims Services data profiles will be available at
<http://www.victimsservices.justice.nsw.gov.au/>

205. Of those applications that were unsuccessful, what number and percentage:

a) sought an internal review;

b) were legally represented; and

c) had a successful outcome upon review?

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

The Victims Services data profiles will be available at
<http://www.victimsservices.justice.nsw.gov.au/>

206. Of those applications that were unsuccessful at first instance and succeeded at review, what number and percentage were legally represented?

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The Victims Services data profiles will be available at
<http://www.victimsservices.justice.nsw.gov.au/>

207. What number and percentage of claims were filed at the NSW Administrative and Civil Tribunal but resolved in the client's favour before the Tribunal made a decision.

I am advised by the Department of Justice that this information is not available.

Evidentiary Requirements

208. How many claims in each of the last two financial years have been unsuccessful because they did not meet the evidence requirements?

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

The Victims Services data profiles will be available at
<http://www.victimsservices.justice.nsw.gov.au/>

209. How many clients have been informed by Victims Services in advance of making an application that they do not meet the evidence requirements?

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The Victims Services data profiles will be available at
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Staffing and Applicant Support

210. The New South Wales Government's response of 17 February 2015 to the urgent complaint made to the United Nations Special Rapporteur on Violence Against Women and Girls about the Victims Support Scheme and the *Victims Rights and Support Act 2013* refers to the role of the support coordinators to ensure victims are not retraumatised in repeating their stories to numerous agencies and to conduct a 'comprehensive assessment of each situation' (paras 1.15-1.16).

- a) Are applicants asked to gather their own evidence to support their victims support application?
 - i. How often has this occurred?
- b) What is involved in a "comprehensive assessment"?

- c) On how many occasions have support co-ordinators:
 - i. completed a victims support application on behalf of a victim of violence?
 - ii. advised a victim they have multiple victims support claims?
 - iii. assisted the victim in drafting submissions, particularly where s44 factors are relevant?

I am advised by the Department of Justice that Victims Services obtains evidence to support a victim's application. Victims Services obtains the police and government agency reports and any court papers and, where the victim consents, medical evidence is gathered for the victim.

211. What are Victim's Services guidelines when they can't get in contact with a client? What's the timeframe for following up with such applicants and how many times does Victims Services attempt to contact them?

I am advised by the Department of Justice that three attempts are made to contact a client and/or their representative within 5 working days. If contact is unsuccessful, an email, letter or fax is sent to the client or representative indicating that Victims Services is attempting to make contact to discuss their concerns and/or progress their claim.

212. Is Victims Services recording whether claims to the new victims support scheme are being made with the assistance of advocates?

- a) If so, what is the percentage of claimants:
 - i. assisted by some kind of advocate;
 - ii. assisted by lawyers;
 - iii. assisted by independent support workers; and
 - iv. are unrepresented?

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

The Victims Services data profiles will be available at
<http://www.victimsservices.justice.nsw.gov.au/>

213. How many police officers/staff from NSW Police are working at Victims Services to assist with GIPA requests for police records relating to acts of violence?

- a) If none have yet been appointed is there an intention to make such appointments?

This question should be directed to the Minister for Police.

214. How many new counsellors have been appointed to ensure counselling is more accessible and in what areas?

I am advised by the Department of Justice that there have been more than 500 counsellors appointed at locations across NSW.

Restitution

215. How many victims have requested that restitution not be pursued with the offender?

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

The Victims Services data profiles will be available at
<http://www.victimsservices.justice.nsw.gov.au/>

216. On how many occasions has the Commissioner of Victims Rights exercised her discretion not to pursue restitution?

a) **At what point in the proceedings did this occur?**

b) **At what point was it communicated to the applicant?**

I am advised by the Department of Justice that Victims Services will provide data profiles as part of the annual reporting process to be released later this year.

The Victims Services data profiles will be available at
<http://www.victimsservices.justice.nsw.gov.au/>

Regarding the Domestic Violence Disclosure Scheme

217. What criteria is being used to select locations for the pilot Domestic Violence Disclosure Scheme?

This question should be directed to the Minister for the Prevention of Domestic Violence who is leading the implementation of the DVDS.

218. What consideration is being given to regional and rural areas?

See the response to question 217.

219. Will there be additional funding allocated to specialist legal services, including free legal services?

The pilot DVDS is being developed to be delivered with minimal impact on agency resources.

220. Will there be additional training for existing specialist family violence support workers, police officers, court staff and magistrates?

See the response to question 217.

221. Have you considered the Spent Convictions Scheme in relation to the Domestic Violence Disclosure Scheme, as a way to support and encourage rehabilitation of offenders?

I am advised by the Department of Justice that the issue of spent convictions was considered in the development of the DVDS.

Regarding the Domestic Violence Justice Strategy

222. Will there be additional funding to the Women's Domestic Violence Court Advocacy Service in those areas where their work has significantly increased given the increase in the number of police referrals to the service?

- a) If yes, what areas will this funding flow to?**
- b) If no, why not, given the increase in their workload?**

I am advised by the Department of Justice that Women's Domestic Violence Court Advocacy Services (WDVCAS) will receive funding to host Local Coordination Points as they are established in the staged rollout of Safer Pathway.

Regarding ADVOs

223. What is the average turnaround time from an ADVO being breached and an arrest?

This question should be directed to the Minister for Police.

224. What is the range (minimum-maximum) turnaround time from an ADVO being breached and an arrest?

See the response to question 223.

Regarding Domestic Violence Death Review Team (DVDRT) Reporting

225. The Domestic Violence Death Review Team (DVDRT) was established in 2010 under the Coroners Act 2009 (NSW) to systematically review deaths occurring in the context of domestic violence in New South Wales. The last report was 2012-2013. Considering it is September 2015, when should we expect to see the 2013-2014 and 2014-2015 reports?

I am advised by the Department of Justice that the DVDRT tabled its 2012-13 Annual Report on 20 March 2015 and is currently being considered by the Government. The DVDRT will table the next report in due course.

Questions from Hon Robert Borsak MLC

GPSC No: 4

Attorney General

226. How many magistrates does the Department intend to cut in the Local Court of NSW in 2015-2016, and what will be the effect of these cuts on rural courts and access to justice in these areas?

Local court sitting arrangements are a matter for the Chief Magistrate.

227. Why has the NSW government not considered mandatory sentencing for gun related crimes?

The Government recently passed the *Crimes (Sentencing Procedure) Amendment (Firearms Offences) Bill 2015*, to add five firearms offences to the standard non-parole period scheme, and to increase the existing standard non-parole periods for two weapons possession offences.

228. Under the proposed Commonwealth and State and Territory national partnership agreement on government funded legal assistance services, will Legal Aid NSW be in a better or worse financial situation, and how many community legal centres will likely be closed down due to any restructuring?

The National Partnership Agreement on Legal Assistance Services 2015-20 is available at

<https://www.ag.gov.au/LegalSystem/Legalaidprogrammes/Pages/National-Partnership-Agreement-on-Legal-Assistance-Services.aspx>

I wrote to the Commonwealth Attorney General in a joint letter with several other State and Territory Attorneys General advocating against the Commonwealth's proposed reduction in funding to Community Legal Centres across forward estimates.



GABRIELLE UPTON MP
Attorney General

28/9/15